

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re BP p.l.c. Securities Litigation

This document relates to:

Deka Investment GmbH v. BP p.l.c.

No. 4:10-md-02185

No. 4:14-cv-01073

Honorable Keith P. Ellison

Stipulation and Order Regarding Motion to Dismiss

WHEREAS, Defendants filed a motion to dismiss the amended complaints in 18 actions, including in the above-captioned action (“Deka”), on September 28, 2016 (Dkt. No. 27, 28);

WHEREAS, Defendants’ motion with respect to the Deka action sought dismissal only of so-called “holder” claims (*i.e.*, claims that Plaintiffs relied upon Defendants’ alleged misstatements in deciding not to divest themselves of BP shares) because Plaintiffs did not plead such claims with the particularity required by Fed. R. Civ. P. 9(b);

WHEREAS, on March 9, 2017, the Deka Plaintiffs filed a memorandum in opposition to Defendants’ motion to dismiss (“Opposition”), in which they represented that (1) “[a]ll claims in the Deka Complaint are rooted in purchases of BP ordinary shares made in reliance on Defendants’ misrepresentations or omissions and no claims depend merely on the holding of such shares,” and (2) “[t]he Deka Complaint does not make ‘holder’ claims because it seeks to recover damages for purchases made during the period of wrongdoing” and “[t]he Deka Plaintiffs have not made claims for shares purchased prior to this period” (Dkt. No. 34 at 2, 4);

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties:

1. As set forth in their Opposition, the Deka Plaintiffs do not seek to assert any “holder” claims as herein defined.
2. Defendants withdraw their motion to dismiss with respect to the Deka action.

Dated: May 4, 2017

STIPULATED AND AGREED:

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IT IS SO ORDERED.

SIGNED at Houston, Texas, on this _____ day of _____, 2017.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE